THE HON'BLE MR. JUSTICE GODA RAGHURAM

TUESDAY, THE 15TH DAY OF NOVEMBER, 2005

W.P.No. 11020 of 2001

Between:-

K.P. Ravindranath

--Petitioner

And

The Federal Bank Limited, having its registered Office at Aluva, Ernakulam District, Kerala, rep., by its Chairman and another.

--Respondents

Oral order: (W.P.No. 11020 of 2001)

The case of the petitioner is: (a) That he was initially appointed as an Executive Trainee in the Federal Bank Limited on 30-09-1974 and thereafter was regularly appointed into the services of the bank, worked as Branch Manager at Bangalore from March, 1989 to June, 1993 and as the Branch Manager of Abids Branch, Hyderabad from June, 1993 to January, 1995. The petitioner also exercised an option for coming within the Pension Scheme of the bank on 30-09-1984, which was acknowledged by the Bank; (b) By a letter dated 03-12-2004, the petitioner requested the bank that he be permitted to resign from its services. This request was rejected by the Bank by an order dated 10-12-1994. Again in June, 1995, the petitioner requested the respondent-bank to consider his request for voluntary retirement. However, on 07-08-1998 a charge sheet was issued to the petitioner, an inquiry officer was appointed to investigate and report into certain specified charges leveled against the petitioner and the inquiry officer submitted his report on 27-05-1999. Consequent on the disciplinary inquiry and the report, by the proceedings dated 14-10-1999, the petitioner was visited with the penalty of dismissal. The petitioner also preferred an appeal to the departmental appellate authority, which was rejected by the order dated 26-04-2000. A review petition preferred by the petitioner against the order of appellate rejection was also rejected by an order dated 09-10-2000. The petitioner is thus before this court seeking invalidation of the order of dismissal dated 14-9-1999 as confirmed in appeal as aforestated.

It is neither pleaded, urged nor demonstrated before this court that the Federal Bank Limited is an agency or instrumentality of the State. At the hearing today, learned

counsel for the petitioner concedes that the 1st respondent is not a State within the meaning of Article 12 of the Constitution. Accordingly the writ petition is not maintainable.

The writ petition is, therefore, dismissed on the ground that a writ petition against disciplinary proceedings initiated by the 1st respondent is not maintainable under Article 226 of the Constitution of India. Nothing in this order is to operate as an expression by this court on the merits of the petitioner's claim or on the challenge to the disciplinary proceedings. The petitioner is at liberty to pursue his appropriate remedies before an appropriate forum, in accordance with law.

The writ petition is dismissed as above, but in the circumstances, without costs.

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GODA RAGHURAM, J

Dated: 15-11-2005

Pvks/*